

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ROBIN R. SCROGGINS,

Plaintiff,

v.

**MICHAEL ASTRUE, Commissioner of
Social Security Administration,**

Defendant.

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Civil Action No. **3:08-CV-1444-L**

ORDER

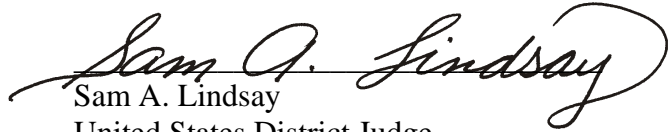
Before the court is Scroggins's Complaint, filed August 15, 2008. Pursuant to 28 U.S.C. § 636(b), and an order of the court in implementation thereof, the case was referred to United States Magistrate Judge Irma C. Ramirez for review and submission of proposed findings of fact and recommendation for disposition. On December 23, 2008, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. No objections to the Report have been filed.

This is a social security case. Plaintiff Robin R. Scroggins ("Plaintiff") filed this action seeking judicial review of a final decision of the Commissioner of Social Security (the "Commissioner"), which denied her application for disability and supplemental security income benefits under Titles II and XVI of the Social Security Act. The magistrate judge found that the administrative law judge failed to apply the standard set forth in *Stone v. Heckler** when he determined whether Plaintiff's impairment is severe.

*752 F.2d 1099 (5th Cir. 1985).

After an independent review of the pleadings, file, record, applicable law, the magistrate judge's findings and conclusions, the court determines that the magistrate judge's findings and conclusions are correct, and they are hereby **accepted** by the court. Accordingly, the court **grants** Plaintiff's Brief in Support of Claim (Motion for Summary Judgment), **denies** Defendant's Motion for Summary Judgment, **reverses** the Commissioner's decision, and **remands** this case to the Commissioner for further proceedings consistent with the Report and this order. The clerk of the court shall effect this remand in accordance with the usual procedure.

It is so ordered this 27th day of January, 2009.


Sam A. Lindsay
United States District Judge